Petitioner

NE FOR PLI

* BEFORE THE

* DEPUTY ZONING COMMISSIONER 8th Election District * OF BALTIMORE COUNTY

3rd Councilmanic District Happy Hollow Associates

* Case No. 93-78-A

* * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owner of the subject property, Happy Hollow Associates, and the Contract Purchaser, Jeanette B. Van Ert. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 37 feet in lieu of the required 50 feet and to amend the last approved Final Development Plan of Hillsyde Hunt for a proposed dwelling on Lot 9, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Jay W. and Jeanette Van Ert. There were no Protestants.

Testimony indicated that the subject property, known as Lot 9 of Hillsyde Hunt, also known as 19 Hillsyde Court, consists of 4.4185 acres, zoned R.C. 5 and is currently unimproved. The Petitioners are desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the topography of the land, the location of a forest buffer easement to the north, and the irregular shape of the lot, the building envelope is irregularly shaped. As a result, the proposed dwelling must be placed on the property at such an angle that a corner of the dwelling extends beyond the building envelope, thus necessitating the requested variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

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public hearing on this Petition held, and for the reasons given above, the

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for day of October, 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 37 feet in lieu of the required 50 feet and to amend the last approved Final Development Plan of Hillsyde Hunt for a proposed dwelling on Lot 9, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

> time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

RMK:bjs

LONSO FOR FILING

Pursuant to the advertisement, posting of the property, and variance requested should be granted.

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

> > Deputy Zoning Commissioner for Baltimore County

Petition for Variance
to the Zoning Commission

for the property located at 19 Hillsyde Ct.

On 70 1 which is presently somed RC-5 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

1 AO4. 3. B.3 To permit a building setback for a proposed dwelling of 37 Ft. (Along a side lot line) in lieu of the required Soft and to amend the last approved FDP of Hillsyde Hunt For lot 9. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardehip or practical difficulty)

The building set backs From the Forest Buffer, Septic system and property lines do not allow a house position with a useable back yard. The granting of this variance would allow a house position which would include a safe, level back yard for my small children. Approved Final Development Plan indicates a much larger building envelope than was discovered during the field survey. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the p legal owner(s) of the property which is the subject	ensities of perjury, that I/we are the of this Petition.
	Contract Purchaser/Lesses:		Legal Owner(s):	
	Teanette B. Van Ert		Happy Hollow Asse	<u>ciales</u>
	Signature B. Uso Pot		Du FOwings	h
	5712 St. Albans Way	 _	John F. Owings Jr	Managing Partner
	Baltimore Maryland 212	L12 Dipcode	Signature	
	Attorney for Petitioner:		D A G	0.00
• 1 1	(Type or Print Name)		P.O. Box 295	8331\87 Phone No.
3			Quings Mills, MJ	2117
3	Signature		Name, Address and phone number of legal owner, to be contacted.	contract purchaser or representative
E 10 0			Jay W. Van Ert	
1363	Address Phone No.			A Pub A
	City State Z	<u>Dipcode</u>	5712 St Albros Belt. m	Phone No.
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ZONING DESCRIPTION FOR 19 Hillsude Ct Cokeysulle md. 21030 At Ct. (north, south, sq.'17 37.

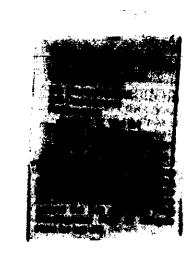
on which property fronts)

wide at the distance of 1,267 ft. (number of feet of right-of-way)

(number of feet) (north, south, east or increased intersecting street Here) Read which is 50 Ft. wide. *Be street) (number of feet of right-of-way width) #(9), Block (), Section #(1) in the subdivision of Hillande 4.4185ac. 9 Holsude Ct. and located in the (8) Election District.

Personer: Hoppy Hollew Assuc, + Learner He Van Ert Location of property: W/S Hilly d. of 1 1767' W/ boppy Hollow As 19 Hollsy to ot Location of Signer To ciny you dway on freprity to be romed.

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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ weeks, the first publication appearing on _

62.62

Baltimore County Government Zoning Commissioner Office of Planeing and Zoning October 22, 1992

(410) 887-4386

Mr. John F. Owings, Jr. Happy Hollow Associates P.O. Box 295 Owings Mills, Maryland 21117

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

RE: PETITION FOR ZONING VARIANCE W/S Hillsyde Court, 1267' W of Happy Hollow Road (Lot 9, or 19 Hillsyde Court) 8th Election District - 3rd Councilmanic District Happy Hollow Associates - Petitioners Case No. 93-78-A

Dear Mr. Owings:

TMK:bjs

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

> Very truly yours, buthy Kotrow

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

cc: Mr. & Mrs. Jay W. Van Ert 5712 St. Albans Way, Baltimore, Md. 21212

People's Counsel

1 receiled Account: R-001-6150 PAID BER HAMP WRITTEN RECEIPT DATED 8/28/92 H9300075 PUBLIC HEARING FEES 010 -ZDNING VARIANCE (IRL) LAST NAME OF OWNER: HAPPY HOLLOW

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DATE: 10.6.92

Jay Ven Ert 5712 St. Albans Way Baltimore, Haryland 21212

CASE NUMBER: 93-78-A (Item 75)
W/S Hillsyde Court, 1267' W of Happy Hollow Road
19 Hillsyde Court
8th Election District - 3rd Councilmanic
Legal Owner(s): Happy Hollow Associates
Contract Purchaser(s): Jeanette B. Van Ert
HEARING: TUESDAY, OCTOBER 13, 1992 at 10:30 a.m. in Rm. 118, Old Courthouse.

Dear Petitioner(s):

Please be advised that \$ 62.62 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONIDE SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesapeaks avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Call Jake

ARMOLD JABLON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

Please Make Checks Payable To: Baltimore County

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(410) 887-3353

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Account: R-001-6150

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Your petition has been received and accepted for filing this 28th day of August, 1992

ARNOLD JABION DIRECTOR

W. Corl Richard

Chairman,
Zoning Plans Advisory Committee

Petitioner: Happy Hollow Associates, et al Petitioner's Attorney: BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 11, 1992
Zoning Administration and Development Management

Robert W. Bowling, P.E., Chief Developers Engineering Division

Zoning Advisory Committee Meeting for September 14, 1992 Item No. 75

The Developers Engineering Division has reviewed the subject zoning item. We recommend providing the Landscape Manual's Class A Buffer to screen lots 7 and 8.

RWB:DAK:s

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

SEPTEMBER 14, 1992

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesepeaks Avenue in Townon, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Haryland 21204 as follows:

CASE NUMBER: 93-78-A (Itam 75)
W/S Hillsyde Court, 1267' W of Heppy Hollow Road
19 Hillsyde Court
8th Election District - 3rd Councilmanic
Legal Owner(s): Happy Hollow Associates
Contract Purchaser(s): Jeanette B. Van Ert
HEARING: TUESDAY, OCTOBER 13, 1992 at 10:30 a.m. in Rm. 118, Old Courthouse.

Variance to permit a building setback for a proposed dwelling of 37 feet (along a side lot line) in lieu of the required 50 feet and to amend the last approved Final Development Plan of Hillsyde Hunt for Lot #9.

I select

Zoning Commissioner Baltimore County

cc: Happy Hollow Associates, Inc.
Jeanette B. and Jay Van Ert

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration and Development Management

DATE: September 18, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee September 8, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Jeanette B. Van Ert, Item no. 75

Daniel W. Eckert, Item no. 79

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: Juancia Munday

Division Chief:

EMcD/FM:rdn

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

John F. Owings, Jr., Managing Partner
Happy Hollow Associates
P.O. Box 295
Owings Mills, MD 21117

RE: Item No. 75, Case No. 93-78-A
Petitioner: Happy Hollow Associates, et al
Petition for Variance

Dear Mr. Owings:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Baltimore County Government
Office of Zoning Administration

and Development Management

Office of Planning & Zoning

October 6, 1992

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

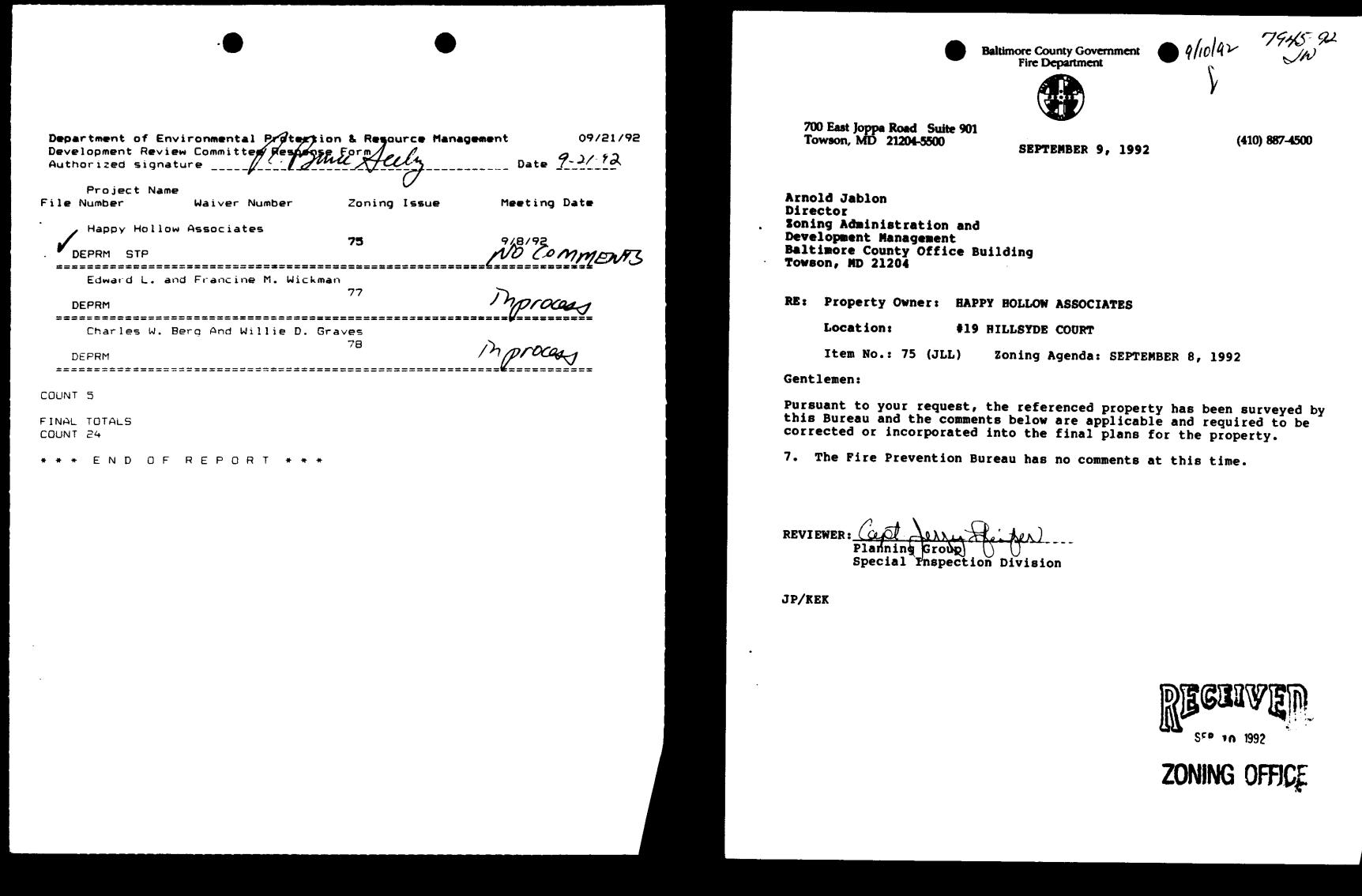
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DPW/Traffic Engineering Development Review Committee Response Form 09/14/92 Authorized signature ______ Date ______ Date Project Name File Number Waiver Number Zoning Issue Meeting Date Stonegate at Patapsco (Azreal Property) TE (Waiting for developer to submit plans first) ZON DED Golden Ring Mall Company Limited Partnership DED DEPRM RP STP TE 9/8/92 ED DEPRM RP STP TE John Dietsch DED DEPRM RP STP TE Happy Hollow Associates ED DEPRM STP RP TE DED DEPRM STP RP TE Stephen M. and Diane A. Dansicker DED DEPRM RP STP TE Edward L. and Francine M. Wickman DED DEPRM RP STP TE Charles W. Berg And Willie D. Graves ED DEPRM RP STP TE Daniel W. and Evelyn J. Eckert DED DEPRM RP STP TE Leonard Stoler ED DEPRM RP STP TE N/C DED DEPRM RP STP TE Edward and Ceola Wright DED DEPRM RP STP TE NIC Edward K. and Diana J. Hensler DED DEPRM RP STP TE Marvin and Hild Zentner and Amir Aviram

625

111 West Chesapeake Avenue

Towson, MD 21204



			PLEASE PRINT CLEARLY	PETITIONER(S) SIGN-IN SHEET
Project Name File Number Waiver Number	Zoning Issue	Date 9/14/95	Jeanette Van Jay W. Van E	Ect 5712 St Albans Way
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Happy Hollow Associates				
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